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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,646	09/25/2003	Jean Lassaux	Q77373	5583

23373 7590 05/13/2008
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

WILSON, ROBERT W

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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05/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/669,646		LASSAUX ET AL.	
	Examiner		Art Unit	
	ROBERT W. WILSON		2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 11, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 & 11 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The examiner withdraws the finality of the previous action because the examiner found part of the applicant argument persuasive. The examiner has withdrawn the part of the rejection that the examiner found the applicant argument persuasive. Because part of the applicant's argument was found not to be persuasive and the applicant has had adequate time to respond this rejection is being made final.

Claim Objections

2. Claims 19-20 are objected to because of the following informalities:

3. Referring to claims 19-20; the examiner objects to the usage of “n” in claims 19 & 20 without defining the range of “n” in the claim language. The examiner recommends defining “n”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9 & 11 are rejected under 35 U.S.C. 102(E) as being anticipated by Dunn (U.S.

Patent No.: 6,072,793)

Referring to claim 9, Dunn teaches: a subscriber unit connected to a data transmission network (Fig 1) the subscriber unit comprising:

A switch matrix (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix per col. 2 line 51)

An Internet router (ISP1 is connected to LAN (25 per Fig 1) via an inherent Router) wherein the matrix can be controlled so that called to an Internet service provider pass through the Internet router in a virtual circuit that corresponds to the Internet service provider (The CONTROLLER (7 per Fig 1) or call processor receives a request for calls to be directed to an Internet Service

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Provider either ISP1 or ISP2 through the inherent Internet Router connected to the LAN (25 per Fig 1) to either ISP1 or ISP2. The connection to ISP1 shown in Figure 1 is a virtual circuit and per col. 2 lines 43 to col. 4 line 6)

Referring to claim 11, Dunn teaches: a subscriber unit connected to a data transmission network (Fig 1) the subscriber unit comprising:

A switch matrix (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix per col. 2 line 51)

A plurality of modems wherein the switch matrix can be controlled so that calls set up between analog subscriber terminals and an Internet service provider pass through the modes in a virtual circuit that corresponds to the Inter service provider (The CONTROLLER controls the NETWORK (7) or switch matrix so that the calls are setup between the inherent analog subscriber terminals and an ISP1 through the modem back or modes over a virtual circuit which is connected to the ISP1 or Internet Service provider per Fig 1)

Response to Amendment

6. Applicant's arguments filed 11/28/07 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with the applicant argument that it is not necessary to define "n" because "n x 64 kbits/sec" simply defines the type of data links within the scope of the claim. "n" can be an infinite value of numbers so "n x 64 kbits/sec" does not merely define the type of data link.

The examiner disagrees with the applicant argument that Dunn does not teach "virtual". Dunn teaches a switch which setup a connection which is temporary. Because the connection is temporary the connection is virtual.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2619

RWW

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5/9/08